



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Yasuyuki MOMOI et al.
Serial No.: 10/716,485
Filed: November 20, 2003
Title: POSITION MEASURING APPARATUS
Group: 3734
Examiner: NGUYEN, Vi X.
Confirmation No.: 6677

RESPONSE TO RESTRICTION REQUIREMENT

Mail Stop: AMENDMENT
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

April 9, 2007

Sir:

In response to the Restriction Requirement dated March 8, 2007, Applicants traverse the Requirement as follows.

The Examiner requires election of a single patentably distinct subcombination of the invention identified as Inventions I and II. Applicants submit that contrary to the position set forth by the Examiner, Inventions I and II represent different embodiments of Applicants' invention. The Examiner contends that the two inventions are classified in different subclasses (i.e., 417 and 424). However, they are classified in the same class (600), and searching either invention would not present an undue burden on the Examiner to search the other.

In order to provide a complete response to the restriction requirement, applicants provisionally elect, with traverse, Invention I, identified by the Examiner as claims 1-7, drawn to a position measuring device with a position indicating means, a

position measuring means, classified in class 600, subclass 417, of the pending application.

If the Examiner believes that there are any matters which can be resolved by way of either a personal or telephone interview, the Examiner is invited to contact Applicants' undersigned attorney at the number indicated below.

Applicants request any shortage or excess in fees in connection with the filing of this paper, including extension of time fees, and for which no other form of payment is offered, be charged or credited to Deposit Account No. 01-2135 (Case: 520.43276X00).

Respectfully submitted,
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